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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,602	02/19/2002	Yoshio Sasaki	041465-5140	2300
55694 7590 08/24/2007 DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1209			EXAMINER CHU, KIM KWOK	
			ART UNIT 2627	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/076,602	SASAKI ET AL.	
	Examiner	Art Unit	
	Kim-Kwok CHU	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 7/19/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 19, 2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

3. Claims 1-4 and 6-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Roh (U.S. Patent 7,154,829).

4. Roh teaches a recording medium having all of the elements and means as recited in claims 1-4, 6 and 7. For example, Roh teaches the following:

(a) With respect to Claim 1, the recording medium 10 (as in Fig. 1) on which information is to be recorded by one of a plurality of different information recording apparatuses A, B, C (Figs. 13 and 15; recording apparatuses A, B and C are used); information (laser power level) are recorded at the time of manufacturing the recording medium in advance (Figs. 13 and 15; abstract, lines 9-14); identification information (recorder ID) for identifying from a plurality of different information recording apparatuses A, B, C (Fig. 13; column 8, last 2 lines to column 9, first three lines), an identified information recording apparatus A, B, C for recording the information onto the optical recording medium 10 (Figs. 13 and 15); recording parameter information (speed, power level) containing optimizing information for optimizing a recording state in the record processing executed by the information recording apparatus specified by the identification information (Figs. 10 and 11; steps S10-S52), wherein a plurality of sets of identification information and corresponding recording parameters information are recorded on the optical recording medium (Fig. 13; each apparatus has its own corresponding laser power and speed; abstract, lines 9-14).

(b) With respect to Claim 2, the recording parameter information comprises at least: first recording parameter used when executing the record processing with a first recording

speed; and second recording parameter used when executing the record processing with a second recording speed which is faster than the first recording speed (Figs. 13 and 14; optimum power and write strategy is stored with respect to recording apparatuses).

(c) With respect to Claim 3, the recording medium 10 comprises an information recording area (lead-in area as in Fig. 15) where the information is to be recorded (Fig. 11); the recording medium 10 comprises a control information recording area (PCA, PMA and lead-in) where recording control information used for controlling the record processing is to be recorded (Figs. 14 and 15); the identification being recorded in the control information area in advance (Fig. 13; each apparatus has its own corresponding laser power and speed; abstract, lines 9-14).

(d) With respect to Claim 4, the recording medium 10 having standard recording parameter information (sync) is further recorded for executing the record processing in a standard recording state (Figs. 14 and 15).

(e) With respect to Claim 6, a plurality of sets (data) comprising the identification information and the recording parameter information which are in a corresponding relation are recorded (Fig. 14; TOC data is recorded).

(f) With respect to claim 7, the record processing is a record processing executed optically, and the recording parameter information (TOC data) is a recording parameter information for optimizing a shape of a recording pit formed on the recording medium by executing the record processing (Figs. 13-15).

5. Roh teaches a recording medium 10 having all of the elements and means as recited in claims 8-13. For example, Roh teaches the following:

(a) With respect to Claim 8, an information recording apparatus for executing the record processing onto an optical recording medium on which information is to be recorded by one of a plurality of different information recording apparatuses at the time of manufacturing the optical recording medium (apparatus A, B, C) at the time of manufacturing the recording medium in advance (Figs.13 and 15; abstract, lines 9-15); the recorded information include identification information (recorder ID) for identifying from a plurality of different information recording apparatuses (Figs. 13 and 15; recording apparatuses A, B and C are used); an identified information recording apparatus A, B, C for recording the information onto the optical recording medium 10 (Figs. 13 and 15); the recorded information include recording parameter information (TOC data) containing optimizing

information for optimizing a recording state in the record processing executed by the information recording apparatus specified by the identification information (Figs. 10 and 11; steps S10-S52), wherein a plurality of sets of identification information and corresponding recording parameters information are recorded on the optical recording medium (Fig. 13; each apparatus has its own corresponding laser power and speed; abstract, lines 9-14), the apparatus comprising a storage device 10 for storing the identification information for identifying the information recording apparatus (Fig. 1); a detection (reading) device 11 for detecting the identification information and the recording parameter information from the recording medium prior to the recording of the information (Fig. 1); a comparison (determining) device for comparing the detected identification information to the stored identification information (Fig. 10; steps S10-S52); and a recording device 11 for recording the information onto the recording medium 10 when the detected information coincides with the stored identification information (Figs. 1 and 10; steps S10 -S52).

(b) With respect to Claim 9, a type-corresponding recording parameter information storage device (Fig. 13; TOC data) for storing type-corresponding recording parameter information (Fig. 13) as the recording parameter information corresponding to a type of the recording medium, wherein if the detected

identification information (medium loaded) does not coincide with the stored identification information, the storage device records the information onto the recording medium by the use of the stored type-corresponding recording parameter information (Figs. 13 and 15; abstract, lines 9-14).

(c) With respect to Claim 10, a standard recording parameter information storage device (Fig. 1) for detecting/storing standard recording parameter information for executing the record processing in a standard recording state (Figs. 13 and 15; abstract, lines 9-14), wherein if the detected identification information (medium loaded) does not coincide with the stored identification information, the storage device records the information onto the recording medium by the use of the stored standard recording parameter information (Figs. 13 and 15; abstract, lines 9-14).

6. Method claim 11 drawn to the method of using the corresponding apparatus claimed in claim 8. Therefore, method claim 11 corresponds to apparatus claim 8 and is rejected for the same reasons of anticipation as used above.

7. Claims 12 and 13 have limitations similar to those treated in the above rejection, and are met by the reference as discussed above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Roh (U.S. Patent 7,154,829) in view of Yonemitsu et al. (U.S. Patent 5,592,450).

Roh teaches a recording medium very similar to that of the present invention. However, Roh does not teach the following:

(a) With respect to Claim 5, the identification information and the identical recording parameter information are recorded repeatedly.

Yonemitsu teaches the following:

(a) identifying information (TOC data) is redundantly recorded in the re-recordable data zones of the lead-in and lead-out areas (Fig. 4B; column 11, lines 41 and 42).

Data such as disc management (TOC) information stored in a recording medium can be corrupted. To ensure these management information can be retrieved without corruption while loading

the disc, it would have been obvious to one of ordinary skill in the art to duplicate Roh's TOC information stored in the Lead-in area similar to Yonemitsu's, because the additional copy of disc management (TOC) information in the Lead-in area prevents the accidental damage of the original copy.

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington, can be reached on (571) 272-4483.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

Kim-Kwok CHU

Examiner AU2627

August 15, 2007

(571) 272-7585


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER